

REFERENCE TITLE: cosmetic procedures; lasers; injections; regulation

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1419

Introduced by
Senator Leff

AN ACT

AMENDING SECTION 32-501, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-516; AMENDING TITLE 32, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO COSMETIC LASER AND INJECTION PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-501, Arizona Revised Statutes, is amended to
3 read:

4 32-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Aesthetician" means a person who is licensed to practice skin care
7 pursuant to this chapter.

8 2. "Aesthetics" means any one or a combination of the following
9 practices if they are performed for cosmetic purposes:

10 (a) Massaging, cleansing, stimulating, manipulating, exercising,
11 beautifying or applying oils, creams, antiseptics, clays, lotions or other
12 preparations, either by hand or by mechanical or electrical appliances.

13 (b) Arching eyebrows or tinting eyebrows and eyelashes.

14 (c) Removing superfluous hair by means other than electrolysis.

15 3. "Board" means the board of cosmetology.

16 4. "Cosmetic purposes" means for the purpose of beautifying,
17 preserving or conferring comeliness, excluding therapeutic massage and
18 manipulations.

19 5. "Cosmetologist" means a person licensed to practice cosmetology
20 pursuant to this chapter.

21 6. "Cosmetology" means any one or a combination of the following
22 practices if they are performed for cosmetic purposes:

23 (a) Cutting, clipping or trimming hair.

24 (b) Massaging, cleansing, stimulating, manipulating, exercising,
25 beautifying or applying oils, creams, antiseptics, clays, lotions or other
26 preparations, either by hand or by mechanical or electrical appliances.

27 (c) Styling, arranging, dressing, curling, waving, permanent waving,
28 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or
29 similarly treating hair.

30 (d) Arching eyebrows or tinting eyebrows and eyelashes.

31 (e) Removing superfluous hair by means other than electrolysis.

32 (f) Nail technology.

33 7. "ELECTRICAL APPLIANCES" MEANS DEVICES THAT USE ELECTRICAL CURRENT
34 AND INCLUDES LASERS AND IPL DEVICES AS DEFINED IN SECTION 32-516.

35 ~~7.~~ 8. "Instructor" means a person licensed to teach cosmetology,
36 aesthetics or nail technology, or any combination thereof, pursuant to this
37 chapter.

38 ~~8.~~ 9. "Nail technician" means a person licensed to practice nail
39 technology pursuant to this chapter.

40 ~~9.~~ 10. "Nail technology" means:

41 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or
42 otherwise treating a person's nails.

1 (b) Applying artificial nails.

2 (c) Massaging and cleaning a person's hands, arms, legs and feet.

3 ~~10-~~ 11. "Salon" means any of the following:

4 (a) An establishment operated for the purpose of engaging in the
5 practice of cosmetology, aesthetics or nail technology, or any combination
6 of the listed practices.

7 (b) An establishment together with a retrofitted motor vehicle for
8 exclusive use as a mobile facility for the purpose of engaging in the
9 practice of cosmetology, aesthetics or nail technology, or any combination of
10 the listed practices that is operated and dispatched through the
11 establishment.

12 (c) A retrofitted motor vehicle exclusively used as a mobile facility
13 for the purpose of engaging in the practice of cosmetology, aesthetics or
14 nail technology, or any combination of the listed practices that is operated
15 and dispatched from a business that has a physical street address that is on
16 file with the board.

17 ~~11-~~ 12. "School" means an establishment operated for the purpose of
18 teaching cosmetology, aesthetics or nail technology, or any combination of
19 the listed practices.

20 Sec. 2. Title 32, chapter 5, article 2, Arizona Revised Statutes, is
21 amended by adding section 32-516, to read:

22 32-516. Aestheticians; cosmetic laser and IPL device use;
23 definitions

24 A. AN AESTHETICIAN WHO WISHES TO PERFORM COSMETIC LASER PROCEDURES AND
25 PROCEDURES USING IPL DEVICES MUST:

26 1. APPLY FOR AND RECEIVE A CERTIFICATE FROM THE AGENCY.

27 2. COMPLY WITH THE REQUIREMENTS OF THIS SECTION AND AGENCY RULES.

28 3. SUCCESSFULLY COMPLETE FORTY HOURS OF DIDACTIC TRAINING AS REQUIRED
29 BY AGENCY RULES AT AN AGENCY CERTIFIED TRAINING PROGRAM. THE PROGRAM SHALL
30 PROVIDE A PROVISIONAL CERTIFICATE TO THE APPLICANT VERIFYING THE SUCCESSFUL
31 COMPLETION OF THE DIDACTIC TRAINING.

32 4. FOR HAIR REMOVAL, COMPLETE HANDS-ON TRAINING THAT IS SUPERVISED BY
33 A HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF
34 PRACTICE OR BY A LASER TECHNICIAN WHO HAS A MINIMUM OF TWO YEARS OF
35 EXPERIENCE OPERATING LASERS AS A PRIMARY OCCUPATION. THE HEALTH PROFESSIONAL
36 OR LASER TECHNICIAN MUST BE PRESENT IN THE ROOM DURING TWENTY-FOUR HOURS OF
37 ACTUAL HANDS ON USE OF LASERS OR IPL DEVICES.

38 5. FOR OTHER COSMETIC LASER AND IPL DEVICE PROCEDURES, COMPLETE AN
39 ADDITIONAL TWENTY-FOUR HOURS OF HANDS-ON TRAINING IN AT LEAST TEN DIFFERENT
40 TYPES OF COSMETIC LASER PROCEDURES AND IPL DEVICE PROCEDURES THAT IS
41 SUPERVISED BY A HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH
42 PROFESSIONAL'S SCOPE OF PRACTICE OR BY A LASER TECHNICIAN WHO HAS AT LEAST
43 TWO YEARS OF EXPERIENCE OPERATING LASERS. THE HEALTH PROFESSIONAL OR LASER
44 TECHNICIAN MUST BE PRESENT IN THE ROOM DURING TWENTY-FOUR HOURS OF ACTUAL
45 HANDS-ON USE OF LASERS OR IPL DEVICES.

1 6. SUBMIT TO THE AGENCY THE PROVISIONAL CERTIFICATE FROM THE TRAINING
2 PROGRAM AND CERTIFICATION BY THE HEALTH PROFESSIONAL OR LASER TECHNICIAN WHO
3 DIRECTLY SUPERVISED THE APPLICANT IN THE ROOM DURING THE HANDS-ON TRAINING.

4 B. THE AGENCY SHALL ISSUE A LASER TECHNICIAN CERTIFICATE AUTHORIZING
5 THE AESTHETICIAN TO USE LASERS AND IPL DEVICES IF THE APPLICANT HAS COMPLETED
6 THE TRAINING FOR HAIR REMOVAL OR LASERS AND IPL DEVICES FOR OTHER COSMETIC
7 PROCEDURES, AS APPLICABLE, AND SHALL MAINTAIN A CURRENT REGISTER OF THOSE
8 LASER TECHNICIANS IN GOOD STANDING AND WHETHER CERTIFICATION IS FOR HAIR
9 REMOVAL ONLY OR OTHER COSMETIC PROCEDURES AS WELL.

10 C. AN AESTHETICIAN WHO HAS BEEN CERTIFIED AS A LASER TECHNICIAN BY THE
11 AGENCY MAY USE A LASER OR IPL DEVICE:

12 1. FOR HAIR REMOVAL UNDER THE INDIRECT SUPERVISION OF A HEALTH
13 PROFESSIONAL WHOSE SCOPE OF PRACTICE PERMITS THE SUPERVISION.

14 2. FOR COSMETIC PURPOSES OTHER THAN HAIR REMOVAL IF THE AESTHETICIAN
15 IS DIRECTLY SUPERVISED BY A HEALTH PROFESSIONAL WHOSE SCOPE OF PRACTICE
16 PERMITS THE SUPERVISION AND THE AESTHETICIAN HAS BEEN CERTIFIED IN THOSE
17 PROCEDURES.

18 D. THE BOARD SHALL INVESTIGATE ANY COMPLAINT FROM THE PUBLIC OR FROM
19 ANOTHER BOARD OR AGENCY REGARDING A LICENSED AESTHETICIAN WHO PERFORMS
20 COSMETIC LASER PROCEDURES OR PROCEDURES USING IPL DEVICES PURSUANT TO THIS
21 SECTION. THE BOARD SHALL REPORT TO THE AGENCY ANY COMPLAINT IT RECEIVES
22 ABOUT THE TRAINING OR PERFORMANCE OF AN AESTHETICIAN WHO IS CERTIFIED AS A
23 LASER TECHNICIAN.

24 E. AN AESTHETICIAN WHO HAS BEEN USING LASER AND IPL DEVICES BEFORE THE
25 EFFECTIVE DATE OF THIS SECTION MAY CONTINUE TO DO SO IF THE AESTHETICIAN
26 APPLIES FOR AND RECEIVES A CERTIFICATE PURSUANT TO THIS SECTION WITHIN ONE
27 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

28 F. FOR THE PURPOSES OF THIS SECTION:

29 1. "AGENCY" MEANS THE RADIATION REGULATORY AGENCY.

30 2. "DIRECTLY SUPERVISED" MEANS A HEALTH PROFESSIONAL WHO IS LICENSED
31 IN THIS STATE AND WHO SUPERVISES THE USE OF A LASER OR IPL DEVICE FOR
32 COSMETIC PURPOSES WHILE THE HEALTH PROFESSIONAL IS PRESENT AT THE FACILITY
33 WHERE AND WHEN THE DEVICE IS BEING USED.

34 3. "HEALTH PROFESSIONAL" HAS THE SAME MEANING PRESCRIBED IN SECTION
35 32-3201.

36 4. "INDIRECT SUPERVISION" MEANS SUPERVISION BY A HEALTH PROFESSIONAL
37 WHO IS LICENSED IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE
38 SUPERVISION AND WHO IS READILY ACCESSIBLE BY TELECOMMUNICATION.

39 5. "IPL DEVICE" MEANS AN INTENSE PULSE LASER CLASS II SURGICAL DEVICE
40 CERTIFIED IN ACCORDANCE WITH THE STANDARDS OF THE AGENCY FOR COSMETIC
41 PROCEDURES.

1 6. "LASER" MEANS ANY DEVICE THAT CAN PRODUCE OR AMPLIFY
2 ELECTROMAGNETIC RADIATION WITH WAVELENGTHS IN THE RANGE OF ONE HUNDRED EIGHTY
3 NANOMETERS TO ONE MILLIMETER PRIMARILY BY THE PROCESS OF CONTROLLED
4 STIMULATED EMISSION AND CERTIFIED IN ACCORDANCE WITH THE STANDARDS FOR THE
5 AGENCY FOR COSMETIC PROCEDURES.

6 7. "LASER TECHNICIAN" MEANS A PERSON WHO IS OR HAS BEEN CERTIFIED BY
7 THE AGENCY PURSUANT TO ITS RULES AND CHAPTER 32, ARTICLE 2 OF THIS TITLE.

8 Sec. 3. Title 32, chapter 32, Arizona Revised Statutes, is amended by
9 adding article 2, to read:

10 ARTICLE 2. COSMETIC LASER AND INJECTION PROCEDURES

11 32-3131. Definitions

12 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 1. "ADMINISTER" MEANS THE DIRECT APPLICATION, DISPENSING OR FURNISHING
14 A PRESCRIPTION MEDICATION OR A PRESCRIPTION-ONLY DEVICE, WHETHER BY INJECTION
15 OR ANY OTHER MEANS, TO THE BODY OF A PATIENT BY A HEALTH PROFESSIONAL OR BY
16 THE HEALTH PROFESSIONAL'S AUTHORIZED AGENT AT THE DIRECTION OF THE HEALTH
17 PROFESSIONAL.

18 2. "AESTHETICIAN" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-501.

19 3. "AGENCY" MEANS THE RADIATION REGULATORY AGENCY.

20 4. "COSMETIC PURPOSE" MEANS FOR THE PURPOSE OF BEAUTIFYING, PRESERVING
21 OR CONFERRING COMELINESS, EXCLUDING THERAPEUTIC MASSAGE AND MANIPULATIONS.

22 5. "DIRECTLY SUPERVISED" MEANS A HEALTH PROFESSIONAL WHO IS LICENSED
23 IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE SUPERVISION, SUPERVISES
24 THE USE OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES WHILE THE HEALTH
25 PROFESSIONAL IS PRESENT AT THE FACILITY WHERE THE DEVICE IS BEING USED.

26 6. "INDIRECT SUPERVISION" MEANS SUPERVISION BY A HEALTH PROFESSIONAL
27 WHO IS LICENSED IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE
28 SUPERVISION AND WHO IS READILY ACCESSIBLE BY TELECOMMUNICATION.

29 7. "IPL DEVICE" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-516

30 8. "LASER" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-516.

31 9. "LASER TECHNICIAN" MEANS A PERSON WHO IS OR HAS BEEN CERTIFIED BY
32 THE AGENCY PURSUANT TO ITS RULES AND THIS ARTICLE.

33 10. "REGISTRANT" MEANS A PERSON OR ENTITY THAT OWNS OR OPERATES A
34 LASER OR IPL DEVICE FOR WHICH THE APPLICATION FOR REGISTRATION IS ON FILE
35 WITH THE AGENCY AND THAT IS IN COMPLIANCE WITH AGENCY RULES.

36 32-3232. Supervision

37 ONLY A HEALTH PROFESSIONAL, ACTING WITHIN THE HEALTH PROFESSIONAL'S
38 SCOPE OF PRACTICE, MAY ADMINISTER OR SUPERVISE THE ADMINISTRATION OF
39 MEDICATION OR A PRESCRIPTION-ONLY DEVICE, WHETHER BY INJECTION OR ANY OTHER
40 MEANS, TO A PATIENT.

41 32-3233. Lasers; IPL devices; authorized use; authorized
42 supervision; civil liability

43 A. A HEALTH PROFESSIONAL MAY OWN, OPERATE AND USE A LASER OR IPL
44 DEVICE REGISTERED WITH THE AGENCY OR ADMINISTER DRUGS OR DEVICES FOR COSMETIC
45 PURPOSES TO THE EXTENT THE USE IS ALLOWED BY THE HEALTH PROFESSIONAL'S SCOPE

1 OF PRACTICE AND THE HEALTH PROFESSIONAL HAS COMPLETED ANY TRAINING REQUIRED
2 BY THE HEALTH PROFESSIONAL'S REGULATORY BOARD AND THE AGENCY.

3 B. A HEALTH PROFESSIONAL MAY SUPERVISE ANOTHER HEALTH PROFESSIONAL IN
4 THE USE OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES TO THE EXTENT THE
5 SUPERVISION IS ALLOWED OR REQUIRED BY THE SUPERVISING HEALTH PROFESSIONAL'S
6 SCOPE OF PRACTICE AND THE SUPERVISING HEALTH PROFESSIONAL HAS COMPLETED ANY
7 TRAINING REQUIRED BY THE SUPERVISING HEALTH PROFESSIONAL'S REGULATORY BOARD
8 AND THE AGENCY.

9 C. THE HEALTH PROFESSIONAL'S REGULATORY BOARD SHALL INVESTIGATE ANY
10 COMPLAINT FROM THE PUBLIC OR ANOTHER BOARD OR AGENCY INVOLVING THE TRAINING,
11 EDUCATION, SUPERVISION OR USE OF A LASER OR IPL DEVICE. A HEALTH
12 PROFESSIONAL SHALL REPORT TO THE AGENCY ANY COMPLAINT RECEIVED ABOUT THE
13 TRAINING OR PERFORMANCE OF A LASER TECHNICIAN TO THE AGENCY.

14 D. A HEALTH PROFESSIONAL MAY SUPERVISE A LASER TECHNICIAN IN THE USE
15 OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES IF:

16 1. SUPERVISION IS WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF PRACTICE.
17 2. THE SUPERVISION DOES NOT CONFLICT WITH THE REQUIREMENTS OF THIS
18 ARTICLE.

19 3. THE LASER TECHNICIAN HAS BEEN CERTIFIED BY THE AGENCY PURSUANT TO
20 SECTION 32-516 TO USE A LASER OR IPL DEVICE FOR HAIR REMOVAL AND OTHER
21 COSMETIC PROCEDURES.

22 E. A LASER TECHNICIAN WHO WISHES TO PERFORM COSMETIC LASER PROCEDURES
23 AND PROCEDURES USING IPL DEVICES MUST:

24 1. SUCCESSFULLY COMPLETE FORTY HOURS OF DIDACTIC TRAINING AS REQUIRED
25 BY AGENCY RULES AT AN AGENCY CERTIFIED TRAINING PROGRAM. THE PROGRAM SHALL
26 PROVIDE A PROVISIONAL CERTIFICATE TO THE APPLICANT VERIFYING THE SUCCESSFUL
27 COMPLETION OF THE DIDACTIC TRAINING.

28 2. FOR HAIR REMOVAL, COMPLETE HANDS-ON TRAINING THAT IS SUPERVISED BY
29 A HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF
30 PRACTICE OR BY A LASER TECHNICIAN WHO HAS A MINIMUM OF TWO YEARS OPERATING
31 LASERS AS A PRIMARY OCCUPATION. THE HEALTH PROFESSIONAL OR LASER TECHNICIAN
32 MUST BE PRESENT IN THE ROOM DURING TWENTY-FOUR HOURS OF ACTUAL HANDS-ON USE
33 OF LASERS OR IPL DEVICES.

34 3. FOR OTHER COSMETIC LASER AND IPL DEVICE PROCEDURES, COMPLETE AN
35 ADDITIONAL TWENTY-FOUR HOURS OF HANDS-ON TRAINING IN AT LEAST TEN DIFFERENT
36 TYPES OF COSMETIC LASER PROCEDURES AND IPL DEVICE PROCEDURES THAT IS
37 SUPERVISED BY A HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH
38 PROFESSIONAL'S SCOPE OF PRACTICE OR BY A LASER TECHNICIAN WHO HAS AT LEAST
39 TWO YEARS OPERATING LASERS. THE HEALTH PROFESSIONAL OR LASER TECHNICIAN MUST
40 BE PRESENT IN THE ROOM DURING TWENTY-FOUR HOURS OF ACTUAL HANDS-ON USE OF
41 LASERS OR IPL DEVICES.

1 4. SUBMIT TO THE AGENCY THE PROVISIONAL CERTIFICATE FROM THE TRAINING
2 PROGRAM AND CERTIFICATION BY THE HEALTH PROFESSIONAL OR LASER TECHNICIAN WHO
3 DIRECTLY SUPERVISED THE APPLICANT IN THE ROOM DURING THE HANDS-ON TRAINING.

4 F. THE AGENCY SHALL ISSUE A LASER TECHNICIAN CERTIFICATE AUTHORIZING
5 THE USE OF LASERS AND IPL DEVICES ONLY FOR HAIR REMOVAL IF THE APPLICANT
6 MEETS THE APPLICABLE REQUIREMENTS OF SUBSECTION E, OR FOR HAIR REMOVAL AND
7 OTHER COSMETIC PROCEDURES IF THE APPLICANT MEETS THE APPLICABLE REQUIREMENTS
8 OF SUBSECTION E. THE AGENCY SHALL MAINTAIN A CURRENT REGISTER OF THOSE LASER
9 TECHNICIANS IN GOOD STANDING AND WHETHER CERTIFICATION IS ONLY FOR HAIR
10 REMOVAL OR FOR HAIR REMOVAL AND OTHER COSMETIC PROCEDURES.

11 G. A LASER TECHNICIAN MAY USE A LASER OR IPL DEVICE IN THE FOLLOWING
12 CIRCUMSTANCES:

13 1. FOR HAIR REMOVAL UNDER THE INDIRECT SUPERVISION OF A HEALTH
14 PROFESSIONAL WHOSE SCOPE OF PRACTICE PERMITS THE SUPERVISION.

15 2. FOR COSMETIC PURPOSES OTHER THAN HAIR REMOVAL IF THE LASER
16 TECHNICIAN IS DIRECTLY SUPERVISED BY A HEALTH PROFESSIONAL WHOSE SCOPE OF
17 PRACTICE PERMITS THE SUPERVISION.

18 H. THE SUPERVISING HEALTH PROFESSIONAL, THE EMPLOYER OF A LASER
19 TECHNICIAN AND THE REGISTRANT WHO OWNS OR OPERATES THE LASER OR IPL DEVICE
20 ARE SUBJECT TO DISCIPLINARY ACTION BY THE APPROPRIATE REGULATORY BOARD FOR
21 ANY ERRORS MADE BY A LASER TECHNICIAN OR FOR THE USE OF A LASER OR IPL DEVICE
22 NOT ALLOWED BY THIS ARTICLE. A PERSON WHO EMPLOYS A PERSON WHO OPERATES A
23 LASER OR IPL DEVICE MUST REPORT ANY MISUSE OF A LASER OR IPL DEVICE TO THE
24 OPERATOR'S REGULATORY BOARD AND TO THE AGENCY.

25 I. THE AGENCY SHALL INVESTIGATE ANY COMPLAINT FROM A MEMBER OF THE
26 PUBLIC OR ANOTHER BOARD OR AGENCY INVOLVING THE TRAINING, EDUCATION, PRACTICE
27 OR COMPLAINT OF HARM RESULTING FROM A LASER TECHNICIAN PERFORMING PROCEDURES
28 FOR COSMETIC PURPOSES UNDER THIS ARTICLE AND SHALL TAKE APPROPRIATE
29 DISCIPLINARY ACTION AS NECESSARY INCLUDING REVOCATION OF THE LASER
30 TECHNICIAN'S CERTIFICATION OR REVOCATION OF A REGISTRANT'S OR EMPLOYER'S
31 LICENSE TO OWN OR OPERATE A LASER OR IPL DEVICE.